

Message Text

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PAGE 01 MTN GE 02493 01 OF 02 011851Z

ACTION STR-04

INFO OCT-01 EUR-12 IO-13 ISO-00 STRE-00 AGRE-00 CEA-01

CIAE-00 COME-00 DODE-00 EB-08 FRB-03 H-01 INR-07

INT-05 L-03 LAB-04 NSAE-00 NSC-05 PA-01 AID-05

SS-15 ITC-01 TRSE-00 USIA-06 PRS-01 SP-02 FEAE-00

OMB-01 XMB-02 OPIC-03 AF-08 ARA-06 EA-07 NEA-10

OIC-02 /137 W

-----011919Z 014751 /44

P R 011639Z APR 77

FM USDEL MTN GENEVA

TO SECSTATE WASHDC PRIORITY 2371

INFO USMISSION EC BRUSSELS

USMISSION OECD PARIS

AMEMBASSY OTTAWA

LIMITED OFFICIAL USE SECTION 1 OF 2 MTN GENEVA 2493

ACTION STR

H PASS CODEL

E.O.11652: N/A

TAGS: ETRD; MTN

SUBJECT: CANADIAN DRAFT PAPER ON GOVERNMENT PROCUREMENT

REF: USMISSION EC BRUSSELS 3092

1. SUMMARY: CANADIAN DEL HAS GIVEN US A COPY OF THEIR "FIRST DRAFT" OF A REVISED GOVERNMENT PROCUREMENT CODE. THEY WOULD LIKE PRELIMINARY US COMMENTS AS SOON AS POSSIBLE TO INCORPORATE THEM BEFORE POSSIBLE FORMAL CIRCULATION OF DOCUMENT. WEEK OF APRIL 18 SUGGESTED FOR INITIAL US/CANADIAN EXCHANGE. END SUMMARY.

2. CANADIAN DEL HAS GIVEN US MTN DEL A COPY OF A "NEW" GOVERNMENT PROCUREMENT CODE (BEING HAND CARRIED TO LIMITED OFFICIAL USE

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PAGE 02 MTN GE 02493 01 OF 02 011851Z

WASHINGTON BY KELLY/STR) DRAFTED OVER PAST FEW WEEKS BY CANADIAN GENEVA DELEGATION, GOVERNMENT PROCUREMENT EXPERTS FROM OTTAWA (MARSHALL ET AL), AND CANADA OEDC REP (BURNES). CLARK INDICATED THAT CANADIAN DRAFT DIFFERS FROM THE OECD DRAFT IN ALL AREAS EXCEPT TENDERING PROCEDURES, WHICH WERE REORGANIZED AND "TIGHTENED UP".

3. CANADIAN DRAFT IS DIVIDED INTO 7 SECTIONS: OBJECTIVES, SCOPE AND COVERAGE, NON-DISCRIMINATION AND NATIONAL TREATMENT, TECHNICAL SPECIFICATIONS, TENDERING PROCEDURES, EX-POST PUBLICITY, AND INTERNATIONAL SURVEILLANCE AND DISPUTE SETTLEMENT PROCEDURES. OTHER AREAS, SUCH AS NATIONAL SECURITY AND FINAL PROVISIONS ARE NOT COVERED.

4. THE OBJECTIVES SECTION, ACCORDING TO CLARK, MERELY REITERATES CANADIAN THINKING IN THIS AREA SET FORTH IN PREVIOUS OECD AND MTN MEETINGS. THE SCOPE AND COVERAGE SECTION DETAILS THAT TWO ANNEXES SHOULD BE ATTACHED TO DESCRIBE PURCHASING ENTITIES THAT WILL BE COVERED BY A POTENTIAL CODE. THE FIRST ANNEX WOULD INCLUDE THOSE ENTITIES THAT ARE UNDER THE "DIRECT OR SUBSTANTIAL CONTROL" OF THE CENTRAL GOVERNMENT. SECOND ANNEX WOULD INCLUDE OTHER IMPORTANT GOVERNMENT ENTITIES NOT UNDER THE DIRECT OR SUBSTANTIAL CONTROL OF THE CENTRAL GOVERNMENT, BUT SUBJECT TO THE CODE. FOR NON-DISCRIMINATION, CANADIAN DRAFT REFERS DIRECTLY TO THE RELEVANT GATT ARTICLES. TENDERING PROCEDURES ARE DRAWN FROM THE OECD DRAFT (AND CROSS-REFERENCED) BUT HAVE BEEN REORGANIZED TO REFLECT THE CHRONOLOGICAL ORDER OF THE PROCUREMENT PROCESS. CLARK STATED THAT THE EX-POST PUBLICITY SECTION HAS BEEN SUBSTANTIALLY STRENGTHENED AND THAT THE DISPUTE SETTLEMENT SECTION REFLECTS THE CANADIAN POSITION PUT FORWARD IN OTHER MTN AREAS (SUCH AS SUBSIDIES/COUNTERVAILING DUTIES AND SECTORS).

5. MTN DEL (NEWKIRK) QUERIED CLARK ABOUT HOW CANADIANS LIMITED OFFICIAL USE

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PAGE 03 MTN GE 02493 01 OF 02 011851Z

INTENDED TO PROCEED, POINTED OUT REPORTS THAT SOME EC MEMBER STATES STILL FAVOR NEGOTIATIONS IN THE IECD AND REMAIN COMMITTED TO WORKING ON THE BASIS OF THE OECD DRAFT. ACCORDINGLY, NEWKIRK INDICATED THAT EC REACTION TO CANADIAN DRAFT WILL BE AN IMPORTANT INDICATION OF COURSE GOVERNMENT PROCUREMENT NEGOTIATIONS WILL FOLLOW.

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PAGE 01 MTN GE 02493 02 OF 02 011852Z
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INFO OCT-01 EUR-12 IO-13 ISO-00 STRE-00 AGRE-00 CEA-01
CIAE-00 COME-00 DODE-00 EB-08 FRB-03 H-01 INR-07
INT-05 L-03 LAB-04 NSAE-00 NSC-05 PA-01 AID-05
SS-15 ITC-01 TRSE-00 USIA-06 PRS-01 SP-02 FEAE-00
OMB-01 XMB-02 OPIC-03 AF-08 ARA-06 EA-07 NEA-10
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FM USDEL MTN GENEVA

TO SECSTATE WASHDC PRIORITY 2372

INFO USMISSION EC BRUSSELS

USMISSION OECD PARIS

AMEMBASSY OTTAWA

LIMITED OFFICIAL USE SECTION 2 OF 2 MTN GENEVA 2493

US DEL FURTHER STATED THAT ALTHOUGH WE WILL CAREFULLY REVIEW CANADIAN EFFORT, AT THIS TIME WE CONTINUE TO BELIEVE THAT OECD DRAFT IS THE APPROPRIATE BASIS FOR NEGOTIATION. CLARK RESPONDED THAT THEIR REPORTS FROM THE EC WERE NOT PESSIMISTIC REGARDING FLEXIBILITY OF EC POSITION, AND THAT EC WAS WAITING TO SEE CANADIAN DRAFT BEFORE MAKING ANY DECISIONS. CLARK STATED THAT CANADIANS ARE COMPLETELY OPPOSED TO IECD TCWP MEETING ON GOVERNMENT PROCUREMENT, AND THAT EVEN IF SUCH A MEETING WERE HELD THE CANADIAN DRAFT WOULD NOT BE DISCUSSED IN THAT FORUM. HE REITERATED CANADIAN POSITION THAT GOVERNMENT PROCUREMENT CAN ONLY BE NEGOTIATED IN MTN FORUM AND THAT OECD DRAFT IS TOO "LOOSELY WORDED" TO BE ACCEPTED AS "CONTRACTUAL AGREEMENT". CLARK PLANS TO GIVE EC COPY OF CANADIAN DRAFT AS WELL AS ALL OTHER INDUSTRIALIZED COUNTRIES PRIOR TO EASTER BREAK.

6. WITH REGARD TO PROSPECTIVE WORK PROGRAM DURING NEXT LIMITED OFFICIAL USE

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PAGE 02 MTN GE 02493 02 OF 02 011852Z

TWO MONTHS, CLARK ENVISAGED BILATERAL DISCUSSIONS WITH DEVELOPED COUNTRIES IN LATE APRIL AND MAY TO WORK TOWARDS MORE CONSENSUS ON SOME SUBSTANTIVE AREAS. HE WOULD LIKE US REACTIONS PRIOR TO THESE OTHER DISCUSSIONS, AND SUGGESTED WE MEET THE WEEK OF APRIL 18. WE TOLD HIM THIS WOULD DEPEND ON WASHINGTON'S REACTION TIME, BUT WE WOULD ATTEMPT TO HAVE PRELIMINARY COMMENTS BY THAT TIME. CLARK STATED AN MTN GOVERNMENT PROCUREMENT SUBGROUP MEETING IN JUNE MIGHT BE USEFUL FOR THE PURPOSE OF FURTHER DISCUSSING AND EXPLAINING THE PRIMARY ISSUES IN THE GOVERNMENT PROCUREMENT AREA. CANADIANS HAVE NOT YET DECIDED WHETHER OR NOT TO TABLE THEIR DRAFT BEFORE THIS MEETING,

AND THAT THEY HOPED TO FURHTER REFINE THE DRAFT AFTER BI-LATERAL DISCUSSIONS.

7. COMMENT: MTN DEL CURRENTLY ANALYZING CANADIAN DRAFT AND NEWKIRK WILL HAND CARRY RESULTS TO WASHINGTON WEEK OF APRIL 11. CLARK'S OPTIMISTIC SCENARIO FOR USING THE CANADIAN DRAFT AS A NEGOTIATING DOCUMENT DOES NOT COINCIDE WITH REPORTS WE HAVE SEEN FROM BRUSSELS (REFTEL) AND FROM DISCUSSIONS WE HAVE HAD WITH GENEVA EC REPS. MTN DEL PAINTED PESSIMISTIC PICTURE TO CLARK SO THAT CANADIANS WOULD NOT BE SURPRISED LATER IF US DOES NOT SUPPORT THEIR EFFORT. END COMMENT.

8. ACTION REQUESTED: GOVERNMENT PROCUREMENT TASK FORCE REVIEW OF CANADIAN DRAFT IN TIME FOR APRIL 18 EXCHANGE.WALKER

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Message Attributes

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Concepts: GOVERNMENT PROCUREMENT, COMMITTEE MEETINGS
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Copy: SINGLE
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Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
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Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
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